

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA A. GONZALES
Deputy Attorney General
4 State Bar No. 253027
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2221
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-556*

13 **IFEOMA FELICITAS ONYEJIEKWE,**
14 **a.k.a. IFEOMA FELISTIAS**
15 **ONYESIEKWE, a.k.a. IFEOMA F.**
16 **ONYEJIEKWE, a.k.a. IFEOMA F.**
17 **ONYEKIEKWE**
18 **143 Sonoma Creek Way**
19 **American Canyon, CA 94503**

A C C U S A T I O N

20 **Registered Nurse License No. 605010**

21 Respondent.

22 Complainant alleges:

23 **PARTIES**

24 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
25 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
26 Consumer Affairs.

27 2. On or about August 21, 2002, the Board of Registered Nursing issued Registered
28 Nurse License Number 605010 to Ifeoma Felicitas Onyejiekwe, also known as Ifeoma Felistias
Onyesiekwe, also known as Ifeoma F. Onyejiekwe, also known as Ifeoma F. Onyekiekwe

1 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
2 the charges brought in this Accusation and will expire on December 31, 2013, unless renewed.

3 JURISDICTION

4 3. This Accusation is brought before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, under the authority of the following laws. All section
6 references are to the Business and Professions Code unless otherwise indicated.

7 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
8 that the Board may discipline any licensee, including a licensee holding a temporary or an
9 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
10 Nursing Practice Act.

11 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
12 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
13 licensee or to render a decision imposing discipline on the license. Under Code section 2811,
14 subdivision (b), the Board may renew an expired license at any time within eight years after the
15 expiration.

16 6. Section 118, subdivision (b), of the Code provides, in pertinent part, that the
17 expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
18 action during the period within which the license may be renewed, restored, reissued or
19 reinstated.

20 STATUTORY PROVISIONS

21 7. Section 2761 of the Code states:

22 "The board may take disciplinary action against a certified or licensed nurse or deny an
23 application for a certificate or license for any of the following:

24 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

25 ...

26 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
27 functions, and duties of a registered nurse, in which event the record of the conviction shall be
28 conclusive evidence thereof."

8. California Code of Regulations, title 16, section 1444, states:

“A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

“(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

“(b) Failure to comply with any mandatory reporting requirements.

“(c) Theft, dishonesty, fraud, or deceit.

“(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.”

COST RECOVERY

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FACTS

10. On or about January 24, 2012, at approximately 12:10 p.m., Respondent was shopping at Macy's in Daly City. Macy's loss prevention officers observed Respondent carrying a large, black, empty handbag and randomly selecting merchandise. Respondent then entered a fitting room and a loss prevention officer was sent to perform fitting room observation. Approximately 15 minutes later, the officer heard Respondent zipping up her handbag and then observed her leave the fitting room with fewer items than she entered with. She placed these items on a clothes rounder. The loss prevention officer entered the fitting room where Respondent had been trying on clothes and noticed that it was empty with merchandise. There were some empty hangers remaining in the fitting room. Respondent's black handbag appeared

1 larger in size. Respondent then walked up to a register and purchased an item, but failed to pay
2 for the rest of the merchandise in her possession.

3 11. Respondent entered another department in the Macy's store and began randomly
4 selecting merchandise. Respondent again entered a fitting room, and a loss prevention officer
5 was sent to perform fitting room observation. Approximately 10 minutes later, Respondent left
6 the fitting room, and her black bag appeared larger in size. The loss prevention officer
7 conducting fitting room observation entered the fitting room where Respondent had been trying
8 on clothes and noted that there was no merchandise inside. Respondent went to a register and
9 paid for an item, but failed to pay for the rest of the merchandise in her possession. Respondent
10 then exited the store with several unpaid items in her possession. Once outside the store, a loss
11 prevention officer approached Respondent, identified herself, and escorted Respondent back
12 inside the store and up to the security office. Once inside the security office, the loss prevention
13 officer recovered 14 unpaid items from Respondent's black handbag. The officer then contacted
14 the Daly City Police Department to report the theft.

15 12. An officer with the Daly City Police Department (Officer 1) arrived and placed
16 Respondent under arrest for grand theft. Respondent was transported to the Daly City Police
17 Department. Respondent waived her rights and provided a statement to Officer 1. Respondent
18 admitted that she entered Macy's with the intent to buy some things and to steal some things.
19 Respondent also admitted that this was not the first time she stole. Respondent stated that she has
20 a good job as a transport nurse and she did not know why she took the items. She stated that the
21 theft was a stupid and greedy thing to do.

22 13. Based upon some of the evidence gathered during Respondent's January 24, 2012
23 arrest, another officer with the Daly City Police Department (Officer 2), conducted a follow up
24 interview with Respondent on or about January 26, 2012. During the interview, Respondent
25 admitted that about one year prior, her husband asked her if she would be willing to work with
26 him on purchasing merchandise from a variety of stores in the United States to ship to Nigeria for
27 resale. Respondent was supposed to receive money for her work in this, but never did.

1 Respondent denied being involved in any retail theft operation, and she stated that she was only
2 helping her husband for pay.

3 14. On or about June 1, 2012, in a criminal matter entitled *The People of the State of*
4 *California v. Ifeoma Felistias Onyesiekwe*, in the San Mateo County Superior Court, Case No.
5 NM408064, Respondent was convicted by plea of nolo contendere of violating Penal Code section
6 484 (willfully and unlawfully take, steal, and carry away personal property belonging to Macy's,
7 having a value not exceeding \$950.00), a misdemeanor. Respondent was sentenced to serve 8
8 days in jail, placed on probation for 18 months, and ordered to pay various fees and fines.

9 FIRST CAUSE FOR DISCIPLINE

10 (Unprofessional Conduct)

(Bus. & Prof Code § 2761, subd. (a))

11 15. Respondent has subjected her registered nurse license to disciplinary action under
12 Code section 2761, subdivision (a), in that she engaged in unprofessional conduct. The
13 circumstances are set forth above in paragraphs 10 through 14.

14 SECOND CAUSE FOR DISCIPLINE

15 (Substantially Related Conviction)

(Bus. & Prof. Code § 2761, subd. (f))

16 16. Respondent has subjected her registered nurse license to disciplinary action under
17 Code section 2761, subdivision (f), as defined by California Code of Regulations, title 16, section
18 1444, subdivision (c), in that she was convicted of a crime substantially related to the
19 qualifications, functions, or duties of a registered nurse. Specifically, Respondent was convicted
20 of a crime involving theft, dishonesty, fraud, or deceit, which evidences her present or potential
21 unfitness to practice in a manner consistent with the public health, safety, or welfare. The
22 circumstances are set forth above in paragraphs 10 through 14.

23 ///

24 ///

25 ///

26 ///

27 ///

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
3 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 605010, issued to Ifeoma
5 Felicitas Onyejekwe, also known as Ifeoma Felistias Onyesiekwe, also known as Ifeoma F.
6 Onyejekwe, also known as Ifeoma F. Onyekiekwe;

7 2. Ordering Ifeoma Felicitas Onyejekwe, also known as Ifeoma Felistias Onyesiekwe,
8 also known as Ifeoma F. Onyejekwe, also known as Ifeoma F. Onyekiekwe to pay the Board of
9 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
10 pursuant to Business and Professions Code section 125.3; and

11 3. Taking such other and further action as deemed necessary and proper.
12
13

14 DATED: JANUARY 17, 2013

Stacie Ben

15 *for* LOUISE R. BAILEY, M.ED., RN
16 Executive Officer
17 Board of Registered Nursing
18 Department of Consumer Affairs
19 State of California
20 Complainant

21 SF2012901116
22 90276990.doc
23
24
25
26
27
28